Remarks:

Status of Claims

Claim 14 is amended herein. Thus, claims 1-27 are currently pending with claims 1, 6, 10, and 14 being independent.

Office Action

In the May 10, 2005, Office Action the Examiner rejected claims 1-9, 14-21, 24-25, and 27 under 35 USC 103(a) as being unpatentable over Nelson (U.S. Patent No. 6,496,568) in view of Becker (U.S. Patent No. 6,591,263). The Examiner also rejected claims 10-13, 22-23, and 26 under 35 USC 103(a) as being unpatentable over Becker in view of Nelson. Applicant respectfully submits that neither Nelson or Becker, alone or in combination, disclose or suggest all claimed features of the present invention. Specifically, the Examiner's combination fails to disclose or suggest (1) retrieving flight times and notifying a passenger based on the retrieved times, as recited in all pending independent claims; (2) storing in a computer-readable database "scheduled times of departure or arrival for substantially all U.S. airline flights," as recited in claims 6-9; and (3) flagging certain flights and notifying only passengers of the flagged flights, as recited in claims 6-9.

As described in previous Amendments and the Specification, the present invention receives updated departure times for all known flights from a reliable source and compares the updated departure times to the scheduled departure times for the flights. If the updated departure time for a flight varies from the scheduled departure time by a predetermined amount, the present invention automatically pushes flight status notification information to all passengers on the flight who indicated they wished to receive such information or to the passengers' agents. Thus, the "reliable source," such as the FAA, is not required to perform the comparison or indicate which delays exceed the predetermined amount. Such functionally is generally beneficial as it reduces reliance on third-parties (such as the FAA) and enables the present invention to independently function. As explained below, the Examiner's cited references fail to disclose or suggest these and various other features.

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The Examiner's cited references fail to disclose or suggest retrieving flight times and notifying a passenger based on the retrieved flight times

All currently pending independent claims include the general feature of receiving flight times, receiving updated flight times, and comparing the original flight times to the updated flight times to determine if passenger notification is necessary. Thus, the present invention does not rely upon a third-party, such as the FAA or an airline, to calculate and determine delay. Claim 14 has been amended to more clearly illustrate this feature. In contrast, both Nelson and Becker rely upon third parties to calculate and determine the existence of delay and therefore the Examiner's combination does not disclose or suggest all claimed features of the present invention.

The Examiner contends that Nelson discloses receiving flights times, receiving updated flight times, and comparing the flights times based upon the various disclosures relating to the "Airline CMM (135)". As is expressly disclosed by Nelson, the "Airline CMM" is a separate third-party entity that must be relied upon by the "Customer Message Manger (105)" to determine if notification is required. Specifically, the Airline CMM is included within airline databases (130) that "represent airline reservation systems and other databases **maintained by an airline or their representatives**" (col. 4, lines 57-60 and Fig. 1). The Airline CMM 135 "determines what changes in the airline databases 141-144 require customer notification" (col. 5, lines 4-5). In contrast, the Client CMM (105) is "extensible, and provides for interfacing other databases and systems to access the desired and additional information" (col. 4, lines 61-63). Thus, the Client CMM (105) **must** rely on third-party databases (the airline databases 130 maintained by the airlines) to determine when notification is required. As such, Nelson only discloses connecting to a third-party to determine if a flight is delayed (and thus if notification is required) and does not receive flight times or compare flight times as is recited by all independent claims of the present application.

Similarly, Becker fails to disclose or suggest receiving flight times and comparing flight times to determine if notification is required. The Examiner contends that Becker discloses such a feature as Becker receives "real-time travel information" (Office Action, page 12). However, despite its ability to receive travel information including the existence of a delay (column 5, lines 20-25), Becker does not disclose or suggest receiving flight times and comparing flight times to

determine if delay exists and if passenger notification is required. Instead, in a similar manner to Nelson, Becker must interface with "information infrastructure 20" to determine if a delay exists. Further, Becker does not disclose or suggest receiving "updated' flight times as recited in the claims of the present invention, as Becker merely receives a scheduled flight time from a passenger and then (at most) is alerted to a delay by third-party entities (such as an airline database) through the information infrastructure 20. Thus, Becker fails to disclose or suggest all claimed features of the present invention.

Applicant respectfully submits that the difference between independently identifying delay and determining if notification is required (the present invention) and relying on third-parties to determine delay (such as an airline database or information infrastructure) is not trivial as the Examiner may suggest. For example, the present invention may include a database of flight times and is only required to receive updated flight times from a third party. Thus, the present invention need not rely on the performance of third party devices in order to timely issue passenger notifications. In contrast, Nelson and Becker must rely on the performance of third party devices to determine if a delay exists. For instance, if a third party device's resources are strained and unable to quickly compare flight times to determine delay, the systems of Nelson and Becker would be unable to timely notify passengers of the delay.

The Examiner's cited references fail to disclose or suggest storing in a computer-readable database scheduled times of departure or arrival for substantially all U.S. airline flights

Claims 6-9 include the feature of "storing in a database scheduled times of departure or arrival for substantially all U.S. airline flights departing or arriving within a certain time." Although the Examiner failed to address this feature in the May 10, 2005, Office Action, it may be inferred from page 4 that the Examiner believes Nelson discloses this feature due to the disclosed airline databases 130 and included flight manifests 143. As explained in detail above, the airline databases 130 are third-party databases maintained by the airline that must be independently accessed by the Customer CMM 105 to determine flight times. Thus, Nelson relies on third-party databases to access flight information and does not independently store flight data in a database.

Similarly, Becker fails to disclose or suggest the recited feature of "storing in a database scheduled times of departure or arrival for substantially all U.S. airline flights departing or arriving within a certain time." As also explained above, Becker relies on an information infrastructure 20 to retrieve information and does not independently store flight data. Thus, Nelson and Becker, alone or in combination, fail to disclose all recited features of claims 6-9.

The Examiner's cited references fail to disclose or suggest flagging records in the database corresponding only to delayed flights

Claims 6-9 include the features of "flagging records in the database corresponding only to flights in which the updated times of departure or arrival vary from the scheduled times of departure or arrival by a predetermined amount of time" and "periodically querying the database to locate all flagged records" and notifying passengers on the flagged flights. As is explained on page 8, lines 15-23, of the specification, such functionality enables the present invention to conserve computing resources as the host computer only has to analyze flagged records and not all records to determine if notification is necessary.

In contrast, Nelson and Becker fail to disclose or suggest any record flagging as Nelson and Becker rely on third parties (such as airline databases and information infrastructures) to determine when notification is required. The Examiner contends that Nelson discloses this recited feature as Nelson "polls" the airline databases 30 to determine if notification is required. However, the polling described by Nelson is merely connecting to the airline databases to receive "events" such as delayed flights. Nelson provides no disclosure or suggestion relating as to how the airline databases 30 specifically determine delay or provide events as the airline databases 30 are external to the customer CMM and not relevant to its specific operation. Thus, the Examiner failed to establish a prima facie case of obviousness as Nelson or Becker provide no disclosure or suggestion relating to flagging records and periodically querying a database to locate flagged records.

Conclusion

In view of the remarks herein, Applicant respectfully submits that the Examiner failed to establish a prima facie case of obviousness as Nelson and Becker, alone or in combination, fail to disclose or suggest all claimed features of the present invention. Specifically, the Examiner's combination fails to disclose or suggest (1) retrieving flight times and notifying a passenger based on the retrieved times, as recited in all pending claims; (2) storing in a computer-readable database "scheduled times of departure or arrival for substantially all U.S. airline flights," as recited in claims 6-9; and (3) flagging certain flights and notifying only passengers of the flagged flights, as recited in claims 6-9. Thus, claims 1-27 are in a condition for allowance.

In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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